



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,140	05/23/2005	Eric Muller	GS 0606 B WO US	4404
20676	7590	04/22/2008	EXAMINER	
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			LOPEZ, FRANK D	
			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			04/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/510,140	MULLER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	F. Daniel Lopez	3745

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 12 March 2008 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

Applicant argues that claims 7-12 depended from claim 1, and so should be restored as allowed claims. The examiner disagrees with Applicant's conclusion. Claim 1 claims "the flow regulator includes a first valve having...a second surface that is acted upon by a back pressure in the return circuit" (last 3 lines), which reads on the embodiment of fig 2. Claim 7 claims "the flow regulator includes three shifting stages" (line 2), which reads on the embodiment of fig 5. There is no embodiment with a regulator which includes the above limitation of claim 1 and the above limitation of claim 7. Although claim 7 is supposed to depend from claim 1, it clearly can not, since it is not supported by the specification. And therefore the canceling of claims 7-12, as being directed to a non-elected species, is upheld.

/F. Daniel Lopez/  
Primary Examiner  
Art Unit: 3745